IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

W.P(C).No. 34549 of 2007(K)

PETITIONER:

SMT.LAKSHMIKUTTY NARAYANAN,
CHAKKUTHODIYIL HOUSE, PERINGAVU P.O.
THRISSUR - 680 018.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

1. THE TAHSILDAR, THRISSUR.

2. THE DEPUTY TAHSILDAR,
(REVENUE RECOVERY), THRISSUR.

3. THE DISTRICT COLLECTOR, THRISSUR.

BY GOVT. PLEADER, SRI. TEKCHAND

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 34549 OF 2007 K

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Dated this the 30th November, 2007

J U D G M E N T

This writ petition has been filed praying for a direction to the 1st respondent to ensure compliance of Ext. P1 judgment. There is a further prayer to direct respondents 1 and 2 to serve copy of the order passed in pursuance to Ext. P3.

2. The 1st and the 4th prayers in the writ petition have been sought on the basis that there has been disobedience of Ext. P1 judgment. If as a matter of fact, Ext. P1 judgment has been disobeyed, the remedy available to the petitioner lies in filing a contempt of court case and not filing a second writ petition.

3. True, in that judgment, this Court had directed a fresh assessment to be carried out. But I notice that in pursuance to the said judgment, for facilitating the enquiry, the authority had called for documents from the petitioner which are necessary for an effective adjudication of the matter in the light of the law laid down by this Court in Tharu v. Tahsildar {2003(1) KLT 219}. For this

purpose the authority required the petitioner to produce materials such as registered agreements, copies of bank statements etc. These documents were refused to be produced and this is evident from Ext. P5. According to her, the authority had no right to call for such documents, as according to her, in Ext. P1 they were directed to complete the assessment based on the materials available.

4. In my view, the petitioner was acting unreasonably as is seen from Ext. P5. The petitioner was called upon to produce documents which are relevant for adjudicating the issue and if the authority has called for such documents the petitioner ought to have produced it instead of making it impossible for the authority to complete the adjudication. This, the petitioner has not done. Therefore, I see no justification in granting the reliefs sought for in the writ petition. As the petitioner was not co-operative during the enquiry, she is not entitled to any indulgence from this Court.

Writ petition fails and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-